

the Department's exemptions program. The intended effect of these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

**EFFECTIVE DATE:** These amendments are effective February 15, 1984. However, compliance with the regulations as amended herein, is authorized immediately.

**FOR FURTHER INFORMATION CONTACT:** Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202)-472-2728.

**SUPPLEMENTARY INFORMATION:** On August 8, 1983, the MTB published Notice No. 83-5 (48 FR 35970) under Docket HM-139F which proposed to amend the Hazardous Materials Regulations by incorporating the provisions of certain DOT exemptions into the general regulations. The public comment period ended October 12, 1983.

The MTB received three comments requesting changes to Docket HM-139F.

The proposed addition of "Film developer" to the § 172.101 Table has been withdrawn from this rulemaking because "Film developer" is not presently recognized by ICAO as a proper shipping name. Shipments may continue to be made under the terms and conditions specified in DOT-E 7032 and DOT-E 7040.

The proposed addition of footnote (L) (lower case) in § 173.31(c) has been changed to footnote (t) because of the confusion between the letter (l) and the number (1). The notice proposed to amend § 173.245(a)(38) by adding diethanolamine as an additional commodity to be shipped in DOT Specification 57 steel portable tanks. The Texaco Chemical Company, a producer of diethanolamine, stated that to their knowledge, there is no literature to indicate that diethanolamine is corrosive. A further review of our files indicates that the commenter is correct and diethanolamine has not been added to § 173.245(a)(38) as proposed. In § 173.272 the proposed amendment of paragraph (i)(22) to include DOT Specification 115A60W6 stainless steel tank cars for the transportation of Oleum has been added as a new

paragraph (i)(23) for easier reading and compliance.

The proposed change regarding scrap paper is no longer necessary because Docket No. HM-166-0 (48 FR 52306), November 17, 1983, removed the entry from the § 172.101 Table but inadvertently omitted the removal of § 173.1075. Section 173.1075 has been removed by this rulemaking.

Included in this rulemaking but not included in the notice is a correction in the § 172.101 Table for the entry "Di-(2-ethylhexyl) peroxydicarbonate, *not more than 67% in solution. See Organic peroxide, liquid or solution, n.o.s.*" The "67%" has been corrected to read "77%".

Except for the above changes, these amendments are essentially the same as proposed in the notice.

The Material Transportation Bureau has determined that this document is not a "major rule" under the terms of Executive Order 12291 or significant under DOT's regulatory policies and procedures (44 FR 11034). A final regulatory evaluation was not prepared as the economic impact of these amendments has been found to be minimal.

For the reasons, I certify that this amendment will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects

##### 49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

##### 49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

##### 49 CFR Part 179

Hazardous materials transportation, Railroad safety.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 179 are amended as follows:

#### PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101, the Hazardous Materials Table is amended by revising two entries to read as follows:

#### DEPARTMENT OF TRANSPORTATION

##### Research and Special Programs Administration

##### 49 CFR Parts 172, 173, and 179

[Docket HM-139F; Amdt. Nos. 172-88, 173-171, 179-33]

##### Conversion of Individual Exemptions Into Regulations of General Applicability

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This action is being taken to incorporate into the Department's Hazardous Materials Regulations (HMR), a number of changes based on the data and analyses supplied in selected exemption applications or from existing exemptions. The need for this action has been created by the public demand to make available new packagings and shipping alternatives that have proven themselves safe under

## § 172.101 Hazardous Materials Table.

+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific require-ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Passenger ves-sel	Other requirements
(1)	(2)	(3)	3(A)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
E	(Revise) Acetic acid, glacial (RC-1000/454).	Corrosive material.	UN2789	Corrosive	173.244	173.245	1 quart	10 gallons	1.2	1.2	Slow separate from nitric acid or oxidizing materials.
	Di-(2-ethylhexyl) peroxydicarbonate, not more than 77% in solution. See Organic peroxide, liquid or solution, n.o.s.		UN2123								

## PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.31(c), Retest Table 1 is amended by adding a footnote reference "t" for the DOT-105A300W entry and

adding a footnote "t" at the end of the table to read as follows:

## § 173.31 Qualification, maintenance, and use of tank cars.

(c) \* \* \*

RETEST TABLE 1

Specification	Retest interval years <sup>1</sup>			Retest pressure—p.s.i.		
	Tank and interior heater systems			Safety relief valve		
	Up to 10 years	Over 10 to 22 years	Over 22 years	Safety relief valve	Tank	Start to discharge
DOT-105A300W	.....	.....	.....	.....	.....	.....

<sup>1</sup> Tanks in sodium metal service may be visually inspected at least once every 10 years instead of being retested hydrostatically. Date of the visual inspection must be stenciled on the tank near the other required markings.

3. In § 173.33, paragraph (d)(1)(i) is amended by adding the following sentence at the end to read as follows:

## § 173.33 Qualification, maintenance, and use of cargo tanks.

(d) \* \* \*

(1) \* \* \*

(i) \* \* \* Tanks used only in sodium metal service may have a complete internal visual inspection at least once every 5 years instead of a hydrostatic or pneumatic test.

4. In § 173.154, paragraphs (a)(4) and (a)(20) are revised, paragraphs (a)(22) and (a)(23) are added to read as follows:

## § 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) \* \* \*

(4) Specification MC 303, MC 304, MC 306, MC 307, MC 311 or MC 312 (§§ 178.341, 178.342, 178.343 of this subchapter). Tank motor vehicles. Tanks must conform with § 178.340-8.

Discharge valves must be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat must be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Each product discharge opening shall have a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident. Tanks may have heating coils if an inorganic heating medium is used. Authorized only for sodium perchlorate or magnesium perchlorate, wet, with 10 percent or more of water, equally distributed within the cargo tank. Specification MC 311 and MC 312 also authorized for potassium nitrite solution. Only Specification MC 304 and MC 307 are authorized for transportation by vessel.

(20) As prescribed in § 173.183(a)(7). Authorized only for ammonium persulfate, hydrated calcium hypochlorite, potassium persulfate, sodium carbonate peroxide, sodium

chlorate, dry, sodium perborate monohydrate and sodium persulfate.

(22) Specification 44P (§ 178.241 of this subchapter). All plastic bags. Authorized only for ammonium persulfate, potassium persulfate, sodium carbonate peroxide, sodium perborate monohydrate and sodium persulfate. Net weight may not exceed 81 pounds.

(23) Specification 44B or 44C (§§ 178.236, 178.237 of this subchapter). Multiwall paper bags. Authorized only for ammonium persulfate, dibasic lead phosphite, potassium persulfate, sodium carbonate peroxide, sodium perborate monohydrate and sodium persulfate.

5. In § 173.188, paragraph (a)(4) is added to read as follows:

## § 173.188 Phosphoric anhydride.

(a) \* \* \*

(4) Specification 56 (§ 178.252 of this subchapter). Stainless steel portable tanks.

6. In § 173.245, the last sentence in paragraphs (a)(29), and (a)(31) are revised, paragraph (a)(32) is revised and the third sentence in paragraph (a)(38) is revised to read as follows:

## § 173.245 Corrosive liquids not specifically provided for.

(a) \* \* \*

(29) \* \* \* MC 303 is authorized only for monoethanolamine; primary amyl alcohol; and phosphoric acid and solutions thereof; MC 308 constructed aluminum is authorized only for monoethanolamine primary amyl alcohol.

(31) \* \* \* MC 308 is authorized only for monoethanolamine, primary amyl alcohol, phosphoric acid and solutions thereof.

(32) Specification 103AW, 103A-ALW 103ANW, 103BW, 103CW, 103EW, 105A100W, 105A200ALW,

109A200ALW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5, or AAR-201A80W (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Specification 105A200ALW tank cars authorized only for acetic anhydride and ammonium hydroxide. Specification 105A100W tank cars authorized only for ammonium hydroxide and dimethyl chlorothiophosphate. AAR-201A80W and 109A200ALW tank cars authorized only for ammonium hydroxide.

(38) \* \* \* Authorized only for acetic acid, glacial; acetic acid solutions; compound, cleaning liquid; compound, rust preventing or compound, rust removing; monoethanolamine; orthochlorophenol; paint or paint related material; primary amyl alcohol; and phosphoric acid not exceeding 85 percent strength.

7. In § 173.247, paragraph (a)(18) is revised to read as follows:

§ 173.247 Acetyl bromide; acetyl chloride; acetyl iodide; antimony pentachloride; benzoyl chloride; boron trifluoride-acetic acid complex; chromyl chloride; dichloroacetyl chloride; diphenyl methyl bromide solutions; pyrosulfuryl chloride; silicon chloride; sulfur chloride (mono and di); sulfuryl chloride; thionyl chloride; tin tetrachloride (anhydrous); titanium tetrachloride; trimethyl acetyl chloride.

(a) \* \* \*

(18) Specification 3E1800 (§ 178.42 of this subchapter). Cylinder authorized only for thionyl chloride, anhydrous and titanium tetrachloride, anhydrous.

8. In § 173.252, paragraphs (g)(4) and (g)(5) are added to read as follows:

§ 173.252 Bromine.

(g) \* \* \*

(4) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) having not more than four inside glass jugs of not over 80 fluid ounces (2.5 liters) each. The polystyrene case must be further overpacked in a strong fiberboard box of at least 275-pound test and adequately cushioned. Not authorized for transportation by aircraft.

(5) Specification 15A (§ 178.168 of this subchapter). Wooden boxes (having an authorized gross weight of not less than 100 pounds) having not more than four inside glass jugs of not over 80 fluid ounces (2.5 liters) each. Jugs must be cushioned with an appropriate absorbent material. Not authorized for transportation by aircraft.

9. In § 173.272, paragraph (h) is revised and paragraph (i)(23) is added to read as follows:

§ 173.272 Sulfuric acid.

(h) Sulfuric acid concentration of over 100.5 percent: Authorized packaging is described in paragraphs (i)(1)-(4), (17), and (19)-(23) of this section.

(i) \* \* \*  
(23) Specification 115A60W6 (§ 179.220 of this subchapter). Tank cars. Tanks must be constructed of Type 304 or 316 stainless steel. Bottom outlets must be rendered inoperative and blanked off.

10. In § 173.277, paragraph (a)(1) is revised to read as follows:

§ 173.277 Hypochlorite solutions.

(a) \* \* \*  
(1) Specification 15A, 15B, 15C, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191 of this subchapter) wooden boxes or Spec. 12A or 12B (§§ 178.210, 178.205 of this subchapter) fiberboard boxes with inside glass, earthenware or polyethylene packagings of not more than 1 gallon capacity each. Gross weight must not exceed 65 pounds nor contain more than 4 glass or earthenware inside packagings if their capacity is greater than 5 pints each, or more than six such polyethylene packagings.

11. In § 173.315, the table following paragraph (a)(1) is amended by adding an entry to read as follows:

§ 173.315 compressed gases in cargo tanks and portable tanks.

(a) \* \* \*  
(1) \* \* \*

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
(ADD) Vinyl methyl ether.	68	See Notes 7 and 13.	MC 330, MC 331.	100

12. In § 173.346, paragraph (a)(10) is revised to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) \* \* \*  
(10) Specification 103, 103W, 103A, 103ALW, 103AW, 103BW, 104, 104W, 105A100, 105A1100W, 109A300ALW, 111A60ALW1, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 111A100W4,

112A400W, 114A400W, or 115A80W6 (§§ 179.100, 179.101, 179.200, 179.201, 179.220, 179.221 of this subchapter). Tanks cars. Specification 103BW tank cars must be rubber-lined and are authorized only for arsenic acid as prescribed in § 173.348 of this subchapter.

13. In § 173.347, paragraph (a)(2) is revised to read as follows:

§ 173.347 Aniline oil.

(a) \* \* \*  
(2) Specification 103, 103W, 103A, 103AW, 104W, 105A100W, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 112A200W, 112A400F, or 114A340W, (§§ 179.100, 179.101, 179.200, 179.201, of this subchapter). Tank cars.

14. In § 173.352, paragraph (a)(4) is revised to read as follows:

§ 173.352 Sodium and potassium cyanide solutions, and cyanide solution, n.o.s.

(a) \* \* \*  
(4) Specification 103, 103W, 103A, 103AW, 105A400W, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 112A400W, or 114A400W (§§ 179.100, 179.101, 179.200, 179.201, of this subchapter). Tank cars.

15. In § 173.353, paragraph (a)(8) is added to read as follows:

§ 173.353 Methyl bromide and methyl bromide mixtures.

(a) \* \* \*  
(8) Specification 51 (§ 178.245 of this subchapter). Steel portable tanks having a design pressure of not less than 250 pounds per square inch and equipped with a spring-load safety relief device.

16. In § 173.353a, paragraph (a) is revised to read as follows:

§ 173.353a Methyl bromide, liquid, and nonflammable, nonliquefied compressed gas mixtures.

(a) Methyl bromide, liquid, and nonflammable, nonliquefied compressed gas mixtures must be packed in specification containers as noted in § 173.353a(a)(2), (3), (4), (5), (6), (8) and (c).

17. In § 173.365, paragraph (a)(3) is added to read as follows:

§ 173.365. Poison B solids not specifically provided for.

(a) \* \* \*  
(3) Specification 44D (§ 178.238 of this subchapter). Multiwall paper bags. Where extensible Kraft is used, the

minimum total basis weight must be 260 pounds and the outer wall may be no less than 60 pounds basis weight. Bag must have a metal foil inner liner. Net weight not over 50 pounds each. For transportation by vess., bags must be unitized or containerized. Not authorized for transportation by aircraft. Authorized only for carbamate pesticide mixtures containing not more than 15 percent active ingredient.

18. In §173.374, paragraph (a)(5) is added to read as follows:

§173.374 Nitrochlorobenzene, meta or para.

(a) \* \* \*

(5) Specification 105A400W, 112A400W or 114A400W (§§ 179.100, 179.101 of this subchapter). Tank cars.

#### **PART 179—SPECIFICATION FOR TANK CARS**

19. In §179.102-11, the heading and the

introductory text of paragraph (a) are revised to read as follows:

§179.102-11 Liquefied petroleum gas, butadiene, anhydrous ammonia, methylacetylene-propadiene, stabilized, chlorodifluoromethane, or vinyl chloride.

(a) Tank cars used to transport liquefied petroleum gas, butadiene, anhydrous ammonia, methylacetylene-propadiene, stabilized, chlorodifluoromethane, or vinyl chloride may, as an alternate, conform with the following special requirements: \* \* \*

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C. on January 10, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

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